

REMARKS

Claims 1-2, 4, 6-11, 15-17, 21-23, 28-29, and 33-38 are pending in the application.

Claims 1-33 have been rejected.

Claims 1, 2, 4, 6, 7-11, 15-17, 21-23, 28-29, and 33 have been amended. No new matter has been added. Support for the amendments can be found, at least, within paragraphs 46, 57, and 62.

Claims 34-38 have been added. Support for these claims can be found, at least, in paragraphs 46, 57, and 62. No new matter has been added.

Appreciation is expressed for the telephonic interview conducted on March 11, 2009 between Examiner Doan, SPE Sough, Michael Moore, and Brenna Brock, applicant's attorney. During the interview, the Bitner reference was discussed with reference to proposed amendments to independent claim 1. The undersigned believes this paper is in harmony with the positions expressed during the interview.

Rejection of Claims under 35 U.S.C. §102(e)

Claims 1-33 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0153614, by Bitner et al. ("Bitner"). Applicant respectfully traverses this rejection.

Independent claim 1, as amended, recites the following features:

said virtual tape interface is configured to allow a primary storage device to be accessed using at least one operation that is substantially the same as that used to control a tape backup device, wherein the primary storage device is accessed using said at least one operation in response to a call received from a utility by said virtual device interface,

said virtual tape interface is coupled to control said primary storage device and said tape backup device,

said virtual tape interface comprises a virtual loader library,

said virtual loader library is configured to create a directory corresponding to a virtual loader on said primary storage device,
 said virtual loader library is configured to create a file, within said directory, corresponding to a virtual tape that can be loaded within said virtual loader,
 said virtual tape interface is configured to store data written to the virtual tape in the file,
 said primary storage device comprises non-removable storage media and is configured to provide access to data stored on the non-removable storage media, and
 said tape backup device comprises removable storage media and is configured to permit access to data stored on the removable storage media.

Independent claims 10, 16, 22, and 28 recite similar features.

Applicant submits that the cited passages of Bitner fail to teach or suggest a virtual loader library that is configured to create a directory corresponding to a virtual loader on said primary storage device and to create a file, within said directory, corresponding to a virtual tape that can be loaded within said virtual loader, as well as to store data written to the virtual tape in the file. At best, Bitner describes a “cartridge directory” (e.g., in paragraphs 126-129 of Bitner), which “describes the data that has been written to the cartridge and the current position of the cartridge.” Bitner neither teaches nor suggests that its cartridge directory contains a file corresponding to a virtual tape. Bitner also fails to teach or suggest that its system stores data written to a virtual tape in such a file.

For at least these reasons, Applicant submits that Bitner does not provide disclosure of all the elements of independent claims 1, 10, 16, 22, and 28, and dependent claims 2, 4, 6-9, 11, 15, 17, 21, 23, 29, and 33-38, and that these claims are in condition for allowance. Applicant therefore respectfully requests the Examiner’s reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of the same.

CONCLUSION

In view of the remarks set forth herein, the Application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

I hereby certify that this correspondence is being electronically transmitted to the electronic filing system (EFS-Web) of the US PTO on May 5, 2009.

/Brenna A. Brock/
Attorney for Applicants

May 5, 2009
Date of Signature

Respectfully submitted,

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